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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Jay M. Short et al.

Art Unit : 1652

Serial No. : 09/580,515

Examiner : Delia M. Ramirez, Ph.D.

Filed : May 25, 2000

Title : RECOMBINANT BACTERIAL PHYTASES AND USES THEREOF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER UNDER 37 CFR §§3.73(b) AND 1.321(b)

Pursuant to 37 CFR §3.73(b), DIVERSA CORPORATION, certifies that it is the assignee of the entire right, title, and interest in the above application by virtue of an assignment from the inventors of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel 011169, Frame 0569 on October 6, 2000.

The undersigned has reviewed all the documents in the chain of title of the above-identified application and to the best of undersigned's knowledge and belief, title is in Diversa Corporation.

The undersigned is empowered to act on behalf of the assignee.

Pursuant to 37 CFR §1.321(b), and to obviate a rejection under the judicially created doctrine of obviousness-type double patenting, the assignee identified above hereby waives and disclaims the terminal portion of the term of the entire patent to be granted upon the above identified application subsequent to the expiration date of U.S. Patent No. 6,183,740, whereby the patent granted on this application and U.S. Patent No. 6,183,740 will expire on the same day, provided that any patent granted on the above identified application shall be enforceable only for and during such period that it is commonly owned with U.S. Patent No. 6,183,740.

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CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date of Deposit

8/28/03

Signature

Jeanne Anwar Rice

Typed or Printed Name of Person Signing Certificate

Pursuant to 37 CFR §1.321(b), and to obviate a provisional rejection under the judicially created doctrine of obviousness-type double patenting, the assignee identified above hereby waives and disclaims the terminal portion of the term of the entire patent to be granted upon the above identified application subsequent to the expiration date of copending application serial no. 09/777,566, whereby the patent granted on this application and copending application serial no. 09/777,566 will expire on the same day, provided that any patent granted on the above identified application shall be enforceable only for and during such period that it is commonly owned with copending Application No. 09/777,566.

Pursuant to 37 CFR §1.321(b), and to obviate a provisional rejection under the judicially created doctrine of obviousness-type double patenting, the assignee identified above hereby waives and disclaims the terminal portion of the term of the entire patent to be granted upon the above identified application subsequent to the expiration date of copending application serial no. 09/866,379, whereby the patent granted on this application and copending application serial no. 09/866,379 will expire on the same day, provided that any patent granted on the above identified application shall be enforceable only for and during such period that it is commonly owned with copending Application No. 09/866,379.

The assignee identified above does not disclaim any terminal part of any patent granted on the above identified application prior to the expiration date of the full statutory term of U.S. Patent No. 6,183,740, copending application serial no. 09/777,566 or copending application serial no. 09/866,379 in the event that they later: expire for failure to pay a maintenance fee, are held unenforceable, are found invalid, are statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321(a), have all claims cancelled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title as stated above. Assignee herein does not disclaim or otherwise affect any part of U.S. Patent No. 6,183,740, copending application serial no. 09/777,566 or copending application serial no. 09/866,379.

This disclaimer runs with any patent granted on the above application and is binding upon the grantee, its successors or assigns.

If necessary, please charge any additional fees, or make any credits, to Deposit Account No. 06-1050, referencing Attorney Docket No. 09010-029005.

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Attorney's Docket No.: 09010-029005 / DIVER1370-4

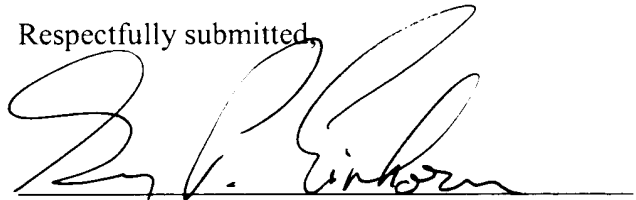
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date:

Aug. 25, 2003

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Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Gregory P. Einhorn', written over a horizontal line.

Gregory P. Einhorn
Reg. No. 38,440